

ORIGINAL

FILED

April 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE
STATE OF MONTANA

Supreme Court Cause No. DA D-0211

Quentin M. Rhoades
Robert D. Erickson
SULLIVAN, TABARACCI & RHOADES, P.C.
1821 South Avenue West, Third Fl.
Missoula, MT 59801
Telephone: (406) 721-9700

For Appellant

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

DIETER SCHOLZ,

Respondent/Appellant,

v.

JILL M. LUNDSTROM,

Plaintiff/Appellee.

NOTICE OF APPEAL

On Appeal from the Montana Twentieth Judicial District Court
Sanders County, Cause No. DR-06-25
Before Hon. C.B. McNeil

NOTICE is given that Dieter Scholz, the Appellant above-named and who is the Respondent in the cause of action filed in the Twentieth Judicial District Court, in and for the County of Sanders, as Cause No. DR-06-25, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order, entered in such action on the 29th day of March, 2010, a copy of the District Court Order is attached as Exhibit "A".

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. APP. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.00;
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b);
3. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellants have complied with the provisions of M. R. APP. P. 8(3) contemporaneously with the filing of this notice of appeal; and
4. That included herewith per MONT. CODE ANN. § 3-2-402, is the

filing fee in the amount of \$100.00.

DATED this 27th day of April, 2010.

SULLIVAN, TABARACCI & RHOADES, P.C.

By: _____


Quentin M. Rhoades
Robert D. Erickson
For Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April, 2010, I filed a true and correct copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action as follows:

Sanders County District Court
Twentieth Judicial District
P.O. Box 519
Thompson Falls, Montana 59873

Timothy G. Goen
Attorney At Law
108 South Madison, Ste. 1
P.O. Box 2317
Thompson Falls, Montana 59873-2317

Lance P. Jasper
Jasper Smith Olson, P.C.
202 W. Spruce Street
P.O. Box 7785
Missoula MT 59807-7785



Legal Assistant to Quentin M. Rhoades